

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COOPERVISION, INC.,

Plaintiff,

v.

CIBA VISION CORP.,

Defendant.

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C.A. No. 06-239 (SLR)

STIPULATION AND ORDER

Whereas, the parties have agreed that the Scheduling Order (D.I. 21) should be amended;

Whereas, the parties disagree as to the proper scope of the case and the state of discovery, as reflected in part in the parties' submissions on certain pending motions (e.g., D.I. 61, 74, 77; and D.I. 76, 84, 87); and

Whereas, the parties reserve the right to seek additional adjustments of the schedule;

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, and without prejudice to their positions on issues on which they disagree, that:

(1) All fact discovery shall be commenced in time to be completed by March 1, 2008;

(2) Expert discovery shall be commenced in time to be completed by May 19, 2008, with expert reports due on issues for which the parties have the burden of proof due March 19, 2008, and rebuttal expert reports due April 18, 2008; and

(3) All summary judgment motions shall be served and filed with an opening brief on or before June 5, 2008. Answering briefs shall be served and filed on June 19, 2008, and reply briefs on June 30, 2008.

All other provisions of the Scheduling Order (D.I. 21) shall remain unchanged.

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SO ORDERED this _____ day of November, 2007.

UNITED STATES DISTRICT JUDGE

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